

Notice of Allowability

Application No.

09/670,050

Examiner

Rodney H. Bonck

Applicant(s)

SEELEY ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received February 4, 2005.
2. ☒ The allowed claim(s) is/are 1-3 and 5-16.
3. ☒ The drawings filed on 25 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>03042005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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The following action is in response to the amendment received February 4, 2005.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 6, line 2, "said" has been changed to – a --.

In claim 9, line 9, after "logic", -- means – has been inserted.

In claim 9, line 12, after "activates", "a" has been deleted; and, after "to", "attract" has been changed to – retract --.

Authorization for the examiner's amendment to claim 9 was given in a telephone interview with Nathan O. Jensen on March 4, 2005. After the telephone interview with applicant's representative, the examiner noted that the deficiency in claim 6 had not been corrected. Therefore, the examiner also made the necessary change to claim 6 to obviate a rejection under 35 USC 112, second paragraph.

Allowable Subject Matter

Claims 1-3 and 4-15 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Applicant's arguments set forth on pages 5-6 of the response filed February 4, 2005 have been considered and are persuasive. The prior art fails to show or render obvious a system for controlling storage of a display assembly as defined in claims 1 and 9 and particularly having logic means coupled to the actuator and the sensor wherein upon movement of the deployed display assembly beyond a predetermined limit, the sensor provides a signal to the logic means which in turn activates the actuator to retract the display assembly. As noted by applicant, the prior art of record does not provide active retraction of the display by the actuator. The use of means plus function language is seen to invoke 35 USC 112, sixth paragraph, such that the claim is construed to cover the corresponding structure, or acts described in the specification and equivalents thereof. Regarding claim 16, the art of record also fails to disclose or teach the claimed method, including the steps of activating the retractor motor in a first direction, monitoring the relationships of various components of the clutch assembly representative of an unintended force contacting the display assembly, and activating the retractor motor in a second direction in order to store the display assembly.

The amendment filed February 4, 2005 cancels claim 4 thus obviating the objection the drawing and the rejection of claim 4 under 35 USC 112, first paragraph. Accordingly, the objection to the drawing and the rejection based on 35 USC 112, first paragraph, are withdrawn.

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The amendment filed February 4, 2005, in conjunction with the above examiner's amendment, overcome the previous rejection under 35 USC 112, second paragraph.

Therefore, the rejection under 35 USC 112, second paragraph, is withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703)-308-2904. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703)-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
March 4, 2005